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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,221	08/19/2002	Sunao Takatori	2222.6090001	9612

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LE, CANH

ART UNIT	PAPER NUMBER
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2439

MAIL DATE	DELIVERY MODE
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01/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/070,221	Applicant(s) TAKATORI ET AL.	
	Examiner CANH LE	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13, 15-19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 11-13, 15-19, and 21-30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the Amendment filed on 10/06/2009.

Claims 11-13, 15-19, 21-27, and 28-30 are pending in this application.

Claims 1-10, 14, and 20 were cancelled;

Claims 16-18, 21, and 26 have been amended

Claims 28-30 have been added;

Claims 11, 17, 18, 21, and 28 are independent claims.

Election by Original Presentation

Newly submitted claims 28-30 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

As recited in the original claims, the invention directs to a method/device/a computer-readable medium comprising:

determining an authentication level required for the transaction based on a parameter of the transaction; performing authentication of the user for the transaction before completing the transaction when a first one of the authentication level is determined; and performing authentication of the user for the transaction after completing the transaction when a second one of the authentication level is determined.

As recited in the newly added claims:

- Claim 28: Claims 28 is directed to a method comprising: setting, using the processing device, an authentication level based on the price of the product or service to be

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purchased by the customer, wherein the authentication level corresponds to an authentication procedure to be performed.

- Claims 29 and 30: Claims 29 and 30 are directed to a method comprising: selecting a first authentication level if the price is equal to or less than a first predetermined value; selecting a second authentication level if the price is greater than the first predetermined level and equal to or less than a second predetermined level; selecting a third authentication level if the price is greater than the second predetermined level; and if the third authentication level is selected, authenticating the customer after receiving the first confirmation from the customer and a second confirmation from the communications device.
- Setting, using the processing device, an authentication level based on the price of the product or service to be purchased by the customer, wherein the authentication level corresponds to an authentication procedure to be performed; selecting a first authentication level if the price is equal to or less than a first predetermined value; selecting a second authentication level if the price is greater than the first predetermined level and equal to or less than a second predetermined level; selecting a third authentication level if the price is greater than the second predetermined level; and if the third authentication level is selected, authenticating the customer after receiving the first confirmation from the customer and a second confirmation from the communications device are not discussed in the original claims. Inventions from original claims and newly added claims are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do

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not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, newly added claims 28-30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

The rejections of the original claims 11-13 and 15-27, addressed in pages 2-18 of the Non-Final Office Action mailed on 07/17/2009, are maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Orgad Edan can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Canh Le/

Examiner, Art Unit 2439

January 7, 2010

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2439